

REMARKS:

By the foregoing amendment, Applicant responds fully to the Office Action mailed November 28, 2005. Claims 1-6, 12-22, and 28-32 remain pending in the instant application. Claims 1, 12, 17-20, 22, 28 and 31 are amended by the present amendment.

5 Claims 1-6 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 has been amended by the instant amendment to more particularly point out the present invention. Specifically, the phrases “a sear” and “a receiver” in Claim 1, lines 6, 9 and 13, have been amended to “the sear”
10 and “the receiver”, respectively. The Examiner states on page 5 of the Office Action that Claim 1 would be allowable if amended to overcome this rejection. Applicant hereby asserts that this rejection is overcome, and as such, that Claim 1 is now in condition for allowance.

 Claims 2-6 stand rejected under 35 U.S.C. § 112, second paragraph. The 35
15 U.S.C. § 112, second paragraph rejections of these claims are believed to be remedied by the amendment of Claim 1. The Examiner states the Claims 2-6 would be allowable if amended to overcome these rejections. Further, Claims 2-6 depend from Claim 1, which is now believed to be allowable. It is therefore believed that Claims 2-6 are now allowable as well.

20 Claim 12 stands rejected under 35 U.S.C. § 112, second paragraph. Claim 12 has been amended by the present amendment to more particularly point out and distinctly claim the present invention. Specifically, Claim 12 has been amended in line 3 of the claim to replace “a receiver” with “the receiver” and on line 5 to replace “a sear” with

“the sear”. Applicant respectfully asserts that the rejection based on 35 USC § 112, second paragraph, is now overcome.

Claim 12 further stands rejected under 35 U.S.C. § 102(b) as being anticipated by Sedita (Fr Patent 2,619,440). “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Carbide Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).” See MPEP §2131 8th Ed., Rev. 1, (February 2003). Claim 12 requires that a head is directly and removeably connectable to the receiver, that a ball is received in and substantially surrounded by a socket, and that the ball directly contacts the sear.

Sedita shows a trigger containing two components that can fairly be termed a head and a finger element. A ball is located in the finger element for contacting the head. The ball does not directly contact a sear, as is required by Claim 12. Since Sedita fails to show each and every limitation of Claim 12, applicant respectfully asserts that Sedita cannot anticipate Claim 12.

Further, even if Sedita does show a ball acting against a sear (as the Examiner asserts and the Applicant respectfully denies), Sedita still would not anticipate Claim 12. Claim 12 of the instant application requires that the ball be received within the socket in the top of the head directly contact the sear, and that the trigger head is directly connected to the receiver. In Sedita, the component containing the ball (the first component) is connected to a second component. The second component is the same component that the ball of the first component acts against. If the ball contacts the “sear” in Sedita, then the “trigger” in Sedita must also be directly connected to the “sear”. Since the sear and the

receiver are distinct and different components of a firearm, Sedita cannot show both. Accordingly, Claim 12 is not anticipated by Sedita.

Claim 12 also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sedita in view of Sato (USPN 6,474,011). In order for a claim to be obvious under 35 U.S.C. 103, the references must teach or suggest all the claim limitations. See MPEP 8th Ed., Rev. 1, §706.02(j), (February 2003). Further, “[t]o establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).” See MPEP 8th Ed., Rev. 1 §2143.03, (February 2003). It should therefore follow by negative implication that where each claim limitation is not shown, the Examiner has failed to demonstrate *prima facie* obviousness.

Applicant respectfully asserts that Claim 12 is not obvious based on Sedita in view of Sato. As stated above, Sedita fails to show a ball received within the top of the head for directly contacting a sear, and the head being directly connectable to the receiver. Likewise, Sato fails to show each of these claim limitations. Since both Sedita and Sato fail to show each and every limitation of Claim 12, Claim 12 is not obvious in view of those references. Applicant respectfully asserts that Claim 12 is now in condition for allowance.

Claim 13 stands rejected under 35 U.S.C. § 112, second paragraph. This rejection is remedied by the amendment to Claim 12, the base claim for Claim 13. Accordingly, this rejection is no longer believed to be applicable.

Further, Claim 13 further stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sedita in view of Sato. “If an independent claim is nonobvious under

35 USC 103, then any claim depending there from is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).” Claim 13 depends from Claim 12, which is now believed to be allowable. Claim 13 is therefore believed to be allowable as well.

5 Claim 14 stands rejected under 35 U.S.C. § 112, second paragraph. This rejection is remedied by the amendment to Claim 12, the base claim for Claim 14. Accordingly, this rejection is no longer believed to be applicable.

Further, Claim 14 further stands rejected under 35 U.S.C. § 102(b) as being anticipated by Sedita. Claim 14 requires that the top of the head has an underside, and that the socket for receiving the ball be formed in the underside of the top of the head.
10 Sedita clearly fails to show a socket formed into the underside of any component, let alone a top to the head of the trigger. Since Sedita fails to show each and every limitation of Claim 14, Claim 14 is not anticipated by Sedita. Further, Claim 14 depends from Claim 12, which is now believed to be allowable. It is therefore believed that Claim 14 is now allowable as well.

15 Claims 15 and 16 stand rejected under 35 U.S.C. § 112, second paragraph. The rejections of these Claims based on this reason are believed to be remedied based on the amendment to Claim 12.

Further, the Examiner states that these claims would be allowable if rewritten in independent from and include all of the limitations of the base claim and any intervening
20 claims. For the reasons stated above, applicant respectfully asserts that Claim 12, the base claim to these claims, is now in condition for allowance. Since the base claim is believed to be allowable, applicant respectfully asserts that Claims 15 and 16 are now allowable as well.

Still further, if Claims 15 and 16 are rewritten in independent form, then the newly added claims (rewritten) would be merely duplicative of the original claims, respectively. In the event that original Claims 15 and 16 are not allowable in their present form, then Applicant will rewrite Claims 15 and 16 to move those claims into condition
5 for allowance.

Claims 17 and 18 stand rejected under 35 U.S.C. § 112, second paragraph. Claim 17 has been amended in line 5 to replace “a receiver” with “the receiver”. This amendment is believed to overcome the rejection of Claim 17. Claim 18 has been amended in lines 2 and 3 to twice replace “a sear” with “the sear”. These amendments are
10 believed to overcome the rejection of Claim 18. The Examiner states that Claims 17 and 18 would be allowable if amended to overcome the rejections of 35 U.S.C. § 112, second paragraph. It is therefore believed that Claims 17 and 18 are now in condition for allowance.

Claim 19 stands rejected under 35 U.S.C. § 112, second paragraph. Claim 19 has
15 been amended in lines 3 and 4 to replace “a receiver” and “a sear” with “the receiver” and “the sear”, respectively. These amendments are believed to overcome the 35 U.S.C. § 112, second paragraph, rejections of this claim.

Further, Claim 19 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Jewell (USPN 5,487,233). Claim 19 has been further amended by the present
20 amendment to more particularly point out and distinctly claim the present invention. Specifically, Claim 19 now also recites that the head top has an underside for contacting the sear. Jewell fails to show a trigger head top having an underside for contacting the

sear. Since Jewell fails to show each and every limitation of amended Claim 19, Jewell does not anticipate Claim 19.

Claim 19 also recites that the head can receive a pin to pivotally connect the trigger to a receiver. Jewell does not show a trigger pivotally connected to a receiver. To the contrary, in Column 1, lines 60-67, Jewel teaches that the trigger is housed within two parallel plates, and that the ends of the two plates are secured to the bottom of the receiver. Accordingly, Jewell teaches the use of something other than the required limitations of Claim 19. For this additional reason, Claim 19 is not anticipated by Jewell.

Claim 19 further recites that the head top defines a hole for receiving an adjuster for adjusting the orientation of the trigger. The upper portion 5a of the trigger element in the Jewell patent does not contain any adjusters. Rather, all adjustments are made in the medial portion of the trigger at the forward portion 5d and rearward portion 5e. (Column 5, lines 38-53, and Figure 1). For this second additional reason, applicant respectfully asserts that Claim 19 is not anticipated by Jewell.

Claim 19 stands further rejected under 35 U.S.C. § 103(a) as being unpatentable over Jewell in view of Sedita in view of Bell. In order for a claim to be obvious under 35 U.S.C. 103, the references must teach or suggest all the claim limitations. As stated, Claim 19 has been amended by the instant amendment to recite that the head top has an underside for contacting the sear. Jewell, as noted, does not show this limitation. Further, applicant respectfully asserts that neither Sedita nor Bell show this limitation. Since none of these cited references show this feature of Claim 19, applicant respectfully asserts that Claim 19 is not obvious in view of them. It is believed that Claim 19 is now in condition for allowance.

Claim 20 stands rejected under 35 U.S.C. § 112, second paragraph. Claim 20 has been amended in line 3 to replace “a receiver” with “the receiver”. It is therefore believed that the 35 U.S.C. § 112, second paragraph, rejection of this claim has been overcome.

Further, Claim 20 stands rejected under 35 U.S.C. § 102(b) as being anticipated
5 by Jewell. Claim 20 depends from Claim 19, which is now believed to be in condition for allowance. It is therefore believed that Claim 20 is now in condition for allowance as well.

Claim 21 stands rejected under 35 U.S.C. § 112, second paragraph. The rejection
of Claim 21 is believed to have been overcome by the amendment to Claim 19. It is
10 therefore believed that the rejection of this claim under 35 U.S.C. § 112, second paragraph, is no longer applicable.

Further, Claim 21 stands rejected under 35 U.S.C. § 102(b) as being anticipated
by Jewell. Claim 21 depends from Claim 19, which is now believed to be in condition for allowance. It is therefore believed that Claim 21 is now in condition for allowance as
15 well.

Claim 22 stands rejected under 35 U.S.C. § 112, second paragraph. The rejection
of Claim 22 is believed to have been overcome by the amendment to Claim 19. It is
therefore believed that the rejection of this claim under 35 U.S.C. § 112, second
paragraph, is no longer applicable.

Further, Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
20 over Jewell in view of Sedita in view of Bell. In order for a claim to be obvious under 35 U.S.C. 103, the references must teach or suggest all the claim limitations. Claim 22 has been amended by the instant application to more particularly point out and distinctly

claim the present invention. Specifically, Claim 22 has been amended to further recite that the head top defines a socket in the underside of the head top for receiving a ball. Neither Jewell, nor Sedita, nor Bell show a head top defining a socket in the underside of the head top for receiving a ball. Since the cited references fail to show all claim

5 limitations of amended Claim 22, Claim 22 is not obvious in light of those references. Still further, Claim 22 depends from Claim 19, which is now believed to be allowable. It is believed that Claim 22 is now allowable as well.

Claim 28 stands rejected under 35 U.S.C. § 112, second paragraph. Claim 28 has been amended in lines 6 and 7 to replace “a sear” with “the sear”, and in line 10 to
10 replace “a receiver” with “the receiver”. These amendments are believed to overcome the 35 U.S.C. § 112, second paragraph, rejections of this claim. The Examiner states on page 5 of the Office Action that Claim 28 would be allowable if amended to overcome this rejection. Applicant hereby asserts that this rejection is overcome, and as such, that Claim 28 is now in condition for allowance.

15 Claims 29 and 30 stand rejected under 35 U.S.C. § 112, second paragraph. The 35 U.S.C. § 112, second paragraph, rejections of these claims are believed to be remedied by the amendment of Claim 28. The Examiner states the Claims 29 and 30 would be allowable if amended to overcome these rejections. Further, Claims 29 and 30 depend from Claim 28, which is now believed to be allowable. It is therefore believed that
20 Claims 29 and 30 are now allowable as well.

Claim 31 stands rejected under 35 U.S.C. § 112, second paragraph. Claim 31 has been amended in line 6 replace “a receiver” with “the receiver”. This amendment is believed to overcome the 35 U.S.C. § 112, second paragraph, rejection of this claim.

Claim 31 stands further rejected under 35 U.S.C. § 103(a) as being unpatentable over Jewell in view of Sedita in view of Bell. In order for a claim to be obvious under 35 U.S.C. 103, the references must teach or suggest all the claim limitations. Claim 31 has been further amended by the instant amendment to further particularly point out and
5 distinctly claim the present invention. Specifically, Claim 31 now also recites that the top and the bottom of the head define an opening through which the sear passes. Neither Jewell, nor Sedita, nor Bell shows the top and bottom of a head defining an opening through which a sear can pass. Since none of the cited references show this limitation, amended Claim 31 is not obvious in view of those references. Applicant respectfully
10 asserts that amended Claim 31 is now in condition for allowance.

Claim 32 stands rejected under 35 U.S.C. § 112, second paragraph. The 35 U.S.C. § 112, second paragraph rejection of this claim is believed to be remedied by the amendment of Claim 31. Claim 32 stands further rejected under 35 U.S.C. § 103(a) as being unpatentable over Jewell in view of Sedita in view of Bell. Claim 32 depends from
15 Claim 31, which is now believed to be allowable. It is respectfully asserted that Claim 32 is now allowable as well.

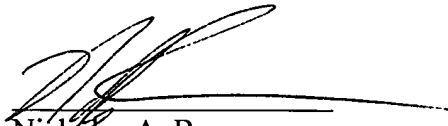
In summary, Applicant responds fully to the Office Action dated November 28, 2005. Applicant believes that the present application containing claims 1-6, 12-22, and 28-32 is in condition for allowance. Favorable action to that end respectfully requested.

Signed at Fond du Lac, Wisconsin, this 3 day of January, 2006

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Respectfully Submitted,

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